

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF IOWA
CEDAR RAPIDS DIVISION

UNITED STATES OF AMERICA,)	
)	
Plaintiff,)	No. 17-CR-27-LRR
)	
vs.)	
)	
ERWIN KEITH BELL,)	
)	
Defendant.)	

FINAL ORDER OF FORFEITURE

WHEREAS, an Indictment was filed on May 3, 2017, charging defendant with a violation of 18 U.S.C. § 922(g)(1), being a felon in possession of a firearm, with a forfeiture allegation included seeking the forfeiture of a North American Arms revolver;

AND WHEREAS, on June 15 2017, the Honorable C.J. Williams, Chief Magistrate Judge for the Northern District of Iowa, entered a Report and Recommendation concerning the defendant's guilty plea entered on June 14, 2017, to Count 1 of the Indictment (Document #15);

AND WHEREAS, pursuant to the provision of Rule 32.2(b)(1)(A) of the Federal Rules of Criminal Procedure, Judge Williams found that the government had established the requisite nexus between the property subject to forfeiture, the firearm, and the offense as charged in Count 1 of the May 3, 2017, Indictment, a prohibited person in possession of a firearm, in violation of 18 U.S.C. § 922(g)(1);

AND WHEREAS, on June 30, 2017, the Court accepted Judge Williams' Report and Recommendation of June 15, 2017 (Document #16);

AND WHEREAS, pursuant to the June 30, 2017, acceptance of the plea of guilty, the United States moved for a Preliminary Order of Forfeiture on July 3, 2017, pursuant to Rule 32.2(b)(2)(A), seeking an order following the Court's acceptance of Judge Williams' Report and Recommendation, including his finding of the requisite nexus between the firearm, and the offense (Document #17);

AND WHEREAS, on July 6, 2017, this Court entered a Preliminary Order of Forfeiture, pursuant to the provisions of 18 U.S.C. § 924(d), and 28 U.S.C. § 2461(c), based upon the defendant's guilty plea entered on June 14, 2017, in which the Court ordered the forfeiture of any interest defendant had or has in the firearm alleged to be subject to forfeiture under the Forfeiture Allegation of the May 3, 2017, Indictment (Document #19);

AND WHEREAS, notice of this forfeiture was posted on www.forfeiture.gov for 30 consecutive days beginning July 8, 2017, and continuing through August 6, 2017, of the United States' intent to dispose of the property in accordance with the law and further notifying all third parties of their right to petition the Court within thirty (30) days for a hearing to adjudicate the validity of their alleged legal interest in the property (Document #20);

AND WHEREAS, no third-party claims have been made for return of seized property against the firearm included in the Preliminary Order of Forfeiture;

AND WHEREAS, defendant Erwin Keith Bell was sentenced on December 21, 2017, forfeiture having been orally pronounced, and said judgment having been filed on December 21, 2017; (Document #31);

It is HEREBY ORDERED, ADJUDGED and DECREED:


1. That any right, title, and interest defendant has or had in the hereinafter described property is hereby condemned, forfeited and vested in the United States of America, and shall be disposed of according to law.
2. That the following property seized from Erwin Keith Bell who is the subject of this Order, is hereby condemned and forfeited to the United States of America, as follows:

A North American Arms .22 magnum caliber revolver, serial #E345174, seized from defendant on or about February 4, 2017, in Lisbon, Iowa.

3. That the Bureau of Alcohol, Tobacco, Firearms and Explosives and/or Federal Bureau of Investigation, is hereby authorized to dispose of the firearm identified in paragraph 2 above, as well as any ammunition, if seized.

4. That the United States District Court shall retain jurisdiction in this case for the purpose of enforcing this Order.

DATED this 7th day of February, 2018.


LINDA R. READE, JUDGE
UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF IOWA